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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/827,224	04/05/2001	William Michael Bondy	CE08166R	6210
22917	7590	12/02/2004	EXAMINER	
MOTOROLA, INC. 1303 EAST ALGONQUIN ROAD IL01/3RD SCHAUMBURG, IL 60196			ODLAND, DAVID E	
			ART UNIT	PAPER NUMBER
			2662	

DATE MAILED: 12/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/827,224

Applicant(s)

BONDY ET AL.

Examiner

David Odland

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5,7-9 and 11-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Howe et al. (USPN 5,590,171), hereafter referred to as Howe.

Referring to claim 1, Howe discloses a method for providing surveillance services within a communication network (a system for call monitoring (see figure 1)), wherein the communication network includes a bearer distribution network for communication of bearer information associated with a surveillance target (a network is used to carry the information related to a call made or received by a target (see figure 1)), the method comprising the steps of receiving a request for surveillance services from a requesting agency (the monitoring party sends an eligible communication to the service node 180 that it wants to monitor a particular party (see column 12 line 61 through column 13 line 10)), transmitting a surveillance message a collection gateway, surveillance message includes surveillance information associated with the request (the service node sends the call communication to an SSP 160 along with instructions to bridge the call to the monitoring party (see column 13 lines 16-21 and column 11 lines 23-35)) and transmitting call signaling information the bearer information network (in addition to instructions to bridge the call to the monitoring party the service node 180 sends instruction telling the SSP 160 to also bridge a connection to transfer the call between the calling and called

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parties (see column 13 lines 16-21 and column 11 lines 23-35)), wherein responsive to the call signaling information, the bearer distribution network directs the bearer information to the collection gateway (the call communication is transferred to the SSP 160 (see figure 1 and column 12 lines 21-44)), and wherein the collection gateway is coupled to an access point being accessible to the requesting agency (the SSP 160 is coupled to telephone 140, which is used by the monitoring party to monitor the call (see figure 1 and column 11 lines 24-55)).

Referring to claim 2, Howe discloses that the surveillance information comprises one of a surveillance feature, surveillance target identifier, a requesting agency identifier, and a case identifier (the monitoring party provides the identification of the monitoring party (i.e. a requesting agency identifier) (see column 13 lines 5-10)).

Referring to claim 3, Howe discloses that the call signaling information comprises one of a surveillance target identifier, a timestamp, and a call identification (the instructions the service node 180 sends the SSP 160 is to bridge a specific calling party with a called party along with a bridge to the monitoring party, thus the instructions have a call identification and a surveillance target identifier (see column 14 lines 19-65)).

Referring to claim 4, Howe discloses that the call signaling information is associated with one of a registration, call connection, and a service invocation (the instructions the service node 180 sends the SSP 160 is to bridge a specific calling party with a called party, thus the instructions have a call identification (see column 14 lines 19-65)).

Referring to claim 5, Howe discloses that the service invocation comprises one a call waiting, a conference call, call forwarding, and a message retrieval (the bridging of the call to the monitoring party can be considered a “call forwarding” procedure. Furthermore, Howe uses the

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SS7 protocol which has built in call forwarding operations thus the SSP's can also receive instructions to perform this (see figure 1)).

Referring to claim 7, Howe discloses a communication network for providing communication services to a subscriber (a communications network (see figure 1)), wherein the communication network includes a bearer distribution network for communication of bearer information associated with a surveillance target (a network is used to carry the information related to a call made or received by a target (see figure 1)), the communication network comprising a surveillance server being interfaced with the bearer distribution network (the service node 180 interfaces the network (see figure 1)), the surveillance server coupled to receive a request for surveillance services from a requesting agency (the service node 180 receives requests from monitoring parties to monitor communications (see column 12 line 61 through column 13 line 10)) and a collection gateway being interfaced with the bearer distribution network (the SSP's interface the network (see figure 1)), wherein the bearer distribution network is responsive the surveillance server to direct the bearer information to the collection gateway (the service node 180 directs calls from a calling party over the network (see figure 1)).

Referring to claim 8, Howe discloses that the surveillance server is part of a core network (the service node 180 is part of the network (see figure 1)).

Referring to claim 9, Howe discloses that the core network comprises a feature server, wherein the feature server comprises one of a location server, mobility server, a profile server, and an operation server (the network comprises an SCP, which can be considered a profile type feature server (see figure 1)).

Referring to claim 11, Howe discloses that the core network comprises a call control server (the network comprises a Service Control Point (SCP)(see figure 1)).

Referring to claim 12, Howe discloses that the collection gateway is coupled to the core network (the SSP is coupled to the network (see figure 1)), and wherein responsive to the surveillance server, the core network directs call signaling information to the collection gateway (the network routes call signaling to the SSP's from the service node 180 (see figure 1 and column 14)).

Referring to claim 13, Howe discloses an access point, the access point being accessible to a requesting agency (the SSP 160 is coupled to telephone 140, which is used by the monitoring party to monitor the call (see figure 1 and column 11 lines 24-55)).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6,10 and 14-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Howe.

Referring to claims 6 and 14, Howe does not disclose that the bearer distribution network comprises a packet data network. However, as pointed out by the Applicant on page 2 lines 23-28 of the present application, packet-switched networks are more efficient and provide increased bandwidth over circuit-switched networks. For these reasons, it would have been obvious to one

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skilled in the art at the time of the invention to implement the Howe system using a packet based bearer network rather than a circuit switched network.

Referring to claim 10, Howe does not disclose that location server radio access network. However, It would have been obvious to one skilled in the art at the time of the invention to interface the location server with a radio access network because a skilled artisan would recognize that radio networks provide great amount of convenience due to their mobile nature.

Referring to claims 15-20, Howe discloses the limitations discussed in corresponding the method of claims 1-6. Howe does not disclose that the method is implemented using a computer program. However, it would have been obvious to one skilled in the art at the time of the invention to implement the Howe system in this manner because the developmental costs of a software implementation are less than that of a hardware based implementation. Furthermore, software is easier to upgrade than hardware.

### *Conclusion*

5. The following prior art, which is made of record and not relied upon, is considered pertinent to applicant's disclosure:

- a. U.S. Patent Number 4056684 to Lindstrom et al.
- b. U.S. Patent Number 5701293 to Fujii.
- c. U.S. Patent Number 6292098 to Ebata et al

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Odland whose telephone number is (571) 272-3096. The examiner can normally be reached on Monday - Friday from 8am to 5pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou, can be reached at (571) 272-3088. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

deo

November 29, 2004

A handwritten signature in black ink, appearing to read 'J. Pezzlo', with a stylized flourish at the end.

**JOHN PEZZLO  
PRIMARY EXAMINER**